



From: Dave Sharp, Founder  
Safe Cycling Australia,

To: The Secretary  
Economy and Infrastructure Committee  
Parliament House, Spring Street  
EAST MELBOURNE VIC 3002

**ROAD SAFETY ROAD RULES 2009 (OVERTAKING BICYCLES) BILL 2015 SUBMISSION TO THE  
ECONOMY AND INFRASTRUCTURE COMMITTEE OF THE VICTORIAN PARLIAMENT (MARCH 2016)**

I have taken the liberty of penning this submission from Brisbane Queensland, on behalf of the five of us who volunteer our time at Safe Cycling Australia, as we believe had it not been for our involvement in campaigning the state government in 2013 on behalf of the Pollett family, the Split Rule would not have been introduced into Queensland in 2014, and which would not have consequently been adopted by four Australian jurisdictions in so far in 2016.

We petitioned the state government in 2013 at the request of the Pollett family, in an effort to ensure that what happened to their son Richard never happened again. We sought to redress the deficiencies that existed under the unenforceable QRR144 when at that time, it was only necessary for a motorist to claim they reasonably believed that they had provided a cyclist with sufficient space when overtaking, even when a fatality occurred, for them to be found to have no case to answer.

Dr Bruce Flegg MP – State Member for Moggill, supported our campaign at the outset and gained crossbench support for the introduction of a minimum safe passing distance rule which he passionately believed would provide greater protection for cyclists. His speech on this issue and in response to our campaign was the first made in the Queensland Parliament regarding the vulnerability of cyclists on our roads, and his efforts helped to ensure that the LNP state government established the Parliamentary Inquiry into Cycling Issues in late 2013.

“Queensland Parliament Hansard Green

DATE: 23/05/2013

FILE: 23052013\_000127\_LEGISLATIVE ASSEMBLY\_GREEN CHAMBER.DOCX SUBJECT: Road Safety, Cyclists

MEMBER: Dr FLEGG

Road Safety, Cyclists

Dr FLEGG (Moggill—LNP) (3.46 pm): The roads of our cities are for the use of all of our citizens. A recent court decision throws into serious doubt the view held in some parts of the community that existing road laws are adequate to protect cyclists on our roads. Last year, on a notoriously

congested, narrow, inadequate and dangerous stretch of Moggill Road, between the Kenmore roundabout and Chapel Hill, a wonderful young life was lost when Richard Pollett, a gifted young musician, was fatally injured by an overtaking truck. The truck was 2.5 metres wide. The lane where Richard's body was found is 3.1 metres wide and is only 3.4 metres wide at its widest point. What more stark illustration could there be that a metre matters? Under the law in Queensland, a bicycle is a vehicle which has the same right to use the road as every other road vehicle and is therefore obliged to abide by the same rules as every other road vehicle. Richard was doing the right thing by traffic on that road by keeping to the left to make it easy for small vehicles to pass him. He could have legally ridden in the middle of the lane of traffic. The court's decision to dismiss the charges against the truck driver would appear to be through a loophole in the Criminal Code, which states that a vehicle, including a truck, can overtake a cyclist without allowing any particular margin providing the driver of the vehicle has a reasonable belief that it is safe to do so. There is now no question that existing laws do not adequately protect cyclists.

When I was asked to sponsor a petition by Mr David Sharp from Safe Cycling Australia, I did not hesitate to do so. I have always believed that legislation which prescribes a minimum distance when overtaking should be introduced to protect cyclists. A distance of 1.5 metres is good practice and good courtesy. One metre should be the barest minimum allowed by law. It is not safe to overtake if there is not a distance of at least one metre. Over 4,000 people have already signed this online petition, and I urge members and the community to get on board and sign it at the parliamentary website.

Whilst you can get an idiot on a bike, just as you can get an idiot in a car, I cannot stress strongly enough that the vast majority of car drivers and truck drivers are safe and responsible, as are the vast majority of bike riders, who try to minimise the inconvenience caused to traffic.

Whilst the road toll has dropped in the last decade, bicycle deaths in Queensland have not. There are around 6,000 cyclist emergency department presentations per annum in Queensland, most of them children. This is a large human toll. The economic cost to the state is \$450 million annually. If we want to save lives and save the huge human toll of very serious injury, the government and the community need to act."

The eventual introduction of the Split Rule by the Transport Minister – Scott Emerson MP, was in response to the change being recommended in its findings by the Inquiry committee, the two year trial of which commenced on April 7, 2014.

The behavioural change which followed, in combination with an effective awareness campaign by the state government across all media platforms, was almost immediate. Queensland cyclists overwhelmingly reported that additional care was being taken by the majority of motorists when overtaking them on the road. The increasingly positive feedback in the first few months surprised many including ourselves, and although only anecdotal, it proved to us that the Split Rule had merit. The lack of available data on the Split Rule from Queensland Transport and Main Roads and the QPS after two years is concerning to us, but we are hopeful that research currently being conducted by CARRS-Q in Brisbane will confirm the opinions and experiences of cyclists state-wide during the two year trial period.

Since its introduction, the effectiveness of Split Rule has in our view diminished over time and as the trial draws to a close. I am of the firm belief that although over seventy motorists have been fined under the rule, the lack of meaningful police enforcement – even with clear supporting evidence provided by cyclists - has served to lessen the effectiveness of the Split Rule. It has been repeatedly claimed by the Queensland Police Service that the rule is difficult to enforce, and that a conviction in court for contested fines is next to impossible for the inability of the police to be able to reliably prosecute alleged offenders. In my view, this is simply untrue.

Technology has been developed specifically to help police forces in the United States enforce this rule, and has been used to great effect for approximately two years. It is commercially available for under \$2,000USD per

unit, and can be calibrated for use to both one and one point five metres. I do not believe that devices such as that developed by Codaxus LLC should be used in order to “blitz” and penalise motorists for breaches of the Split Rule, but when Queensland cyclists have submitted video footage of blatant breaches of the rule and the police refuse to act, there must be a foolproof means of guaranteeing enforcement, and which motorists know is in use as an effective deterrent.

The Split Rule perhaps should primarily be used as an effective educational tool to facilitate behavioural change on our roads given that the majority of Queensland road users support the need for the rule and already take care when negotiating cyclists, but those who drive dangerously or recklessly must also know that it can and will be enforced. The Split Rule is not a cure-all, but together with increased investment in cycling infrastructure, and effective education and law enforcement, it will help to reverse the disproportionate trends in cyclist hospitalisation and fatality rates nationally and in Victoria.

I sincerely hope that the introduction of the Split Rule is recommended by the Inquiry committee, as it is the widely held view of Queensland cyclists and our supporters nationally that it has saved several lives in the last two years, and it will continue to do so with greater cooperation from the police through effective law enforcement and road policing.

I wish Victorian cyclists all the best of luck with the introduction of the Split Rule in 2016.

Dave Sharp, Founder – Safe Cycling Australia